

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

KORINA L. RIDER,

Plaintiff,

v.

JOSEPH M. ALMA,

Defendant.

**STIPULATION AND
ORDER OF
DISCONTINUANCE
PURSUANT TO RULE
41(A)**

1:12-CV-0946

FJS/CFH

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned, the attorneys for Plaintiff Korina L. Rider and the Defendant Joseph M. Alma, parties to the above entitled-action, that, whereas no party hereto is an infant or incompetent person for whom a committee has been appointed, and no person not a party has an interest in the subject matter of the action, the above-entitled action be and the same hereby is settled on the particular circumstances of this case, on the following terms and conditions, which it is agreed are of and shall have no legal precedential value in any other case either between the parties to this case or any other parties:

1. Plaintiff discontinues this action with prejudice and without damages, costs, interest or attorneys' fees, and discharges and releases Defendant Joseph M. Alma, N.Y.S. Police, and the State of New York, including its agencies, subdivisions, employees, private contractors or assignees, of any and all claims, demands, or causes of actions, known or unknown, now existing or hereafter arising, whether presently asserted or not, which relate in any way to the subject matter of this action, and further agrees to discontinue and/or not to commence or to pursue in any court, arbitration or administrative proceeding, any litigation or claims against the Defendant Joseph M. Alma and others released hereby pertaining to the underlying facts, circumstances or incidents that

gave rise to the aforementioned action, or any results of the aforementioned facts, circumstances or incidents.

2. Defendant Joseph M. Alma discharges and releases plaintiff from any and all claims, demands, or causes of actions, known or unknown, now existing or hereafter arising, whether presently asserted or not, which relate in any way to the subject matter of this action.

3. This action is hereby discontinued with prejudice pursuant to Rule 41(a) of the Federal Rules of Civil Procedure.

4. The parties agree that no provision of this settlement shall be interpreted to be an acknowledgment of the validity of any of the allegations or claims that have been made in the action.

5. This settlement does not constitute a determination of, or admission by any party to any underlying allegations, facts or merits of their respective positions. The settlement of this action is limited to the circumstances in this case alone and shall not be given effect beyond the specific provisions stipulated to. This settlement does not form and shall not be claimed as any precedent for, or an agreement by the parties to any generally applicable policy or procedure in the future.

6. Following the execution of this stipulation, and it being ordered by the Court, Defendant Joseph M. Alma shall pay to plaintiff and her attorney the sum of \$35,000 in full settlement of any and all claims, attorneys' fees, and costs. The check will be mailed to plaintiff's attorney, Stephen Bergstein, Esq., at the following address: Bergstein, Ullrich Law Firm, 15 Railroad Avenue, Chester, New York 10918.

7. Payment by Defendant Joseph M. Alma of the amount specified in paragraph 6 is conditioned on the approval of all appropriate state officials in accordance with the provisions for indemnification under section 17 of the New York Public Officers Law.

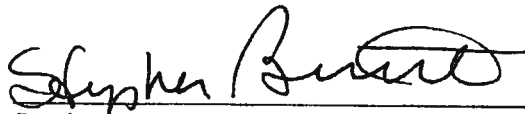
8. Payment of the amounts referenced in paragraph 6 will be made within one hundred and twenty (120) days after the approval of this stipulation by the Court and receipt by Defendant Joseph M. Alma's counsel of a copy of the so-ordered stipulation.

9. In the event that the terms of paragraph 7 are satisfied, but payment is not made within the 120 day period set forth in paragraph 8, interest shall begin to accrue on the outstanding principal balance at the statutory rate on the one hundred and twenty-first day after the Court's approval.

10. The foregoing constitutes the entire agreement of the parties.

Dated: Chester, New York

December 23, 2013



Stephen Bergstein
Bergstein, Ullrich Law Firm
15 Railroad Avenue
Chester, NY 10918

Dated: Albany, New York

12/23/13

ERIC T. SCHNEIDERMAN

Attorney General of the State of New York

Attorney for Defendant Joseph M. Alma

The Capitol

Albany, New York 12224-0341

By: 

Michael G. McCartin

Assistant Attorney General, of Counsel

Bar Roll No. 511158

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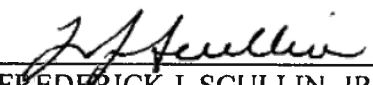
Fax: (518) 473-1572 (Not for service of papers.)

Email: Michael.McCartin@ag.ny.gov

Dated: Syracuse, New York

December 27, 2013

SO ORDERED:



HON. FREDERICK J. SCULLIN, JR.
SENIOR UNITED STATES DISTRICT COURT JUDGE